THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.25103 of 2007

Dated : 28-11-2007

Between :

The Government of A.P.,
Rep.by its Secretary,
Finance & Planning (Finance Wing) Department,
Secretariat,
Hyderabad and 2 others.
… Petitioner/s

And

Mohd. Azizuddin,
Senior Accountant in the Accounts Branch of
The Director of Animal Husbandry (died per L.Rs.)
Nayeemunnisa, w/o. late Mohd. Azizuddin,
H.No.2-3-512/C, Chenareddy Nagar,
Amberpet, Hyderabad – 500013.
…Respondent/s

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ORAL ORDER : (per the Hon'ble Sri Justice D.S.R. Varma)

Heard learned Government Pleader for Services-II, appearing for the petitioners, and the learned counsel for the respondent.

2. This Writ of Certiorari is filed by the Government seeking to quash the order of the A.P. Administrative Tribunal, Hyderabad (for brevity 'the Tribunal') passed in O.A.No.4372 of 1996, dated 09-04-

2003, whereunder and whereby the husband of the respondent was given the benefit of higher scale of pay from the date of passing the Departmental Tests.

3. The short issue involved in this writ petition is that the order passed by the Tribunal as regards the eligibility of the husband of the respondent for payment of higher scale is to be reckoned from the date of passing the Departmental Tests or from the date of actual promotion.

4. It appears that the husband of the respondent had passed the Departmental Test on 13-06-1993. The panel for promotion to the post of Senior Accountant has been prepared on 01-09-1993 and the husband of the respondent was promoted as Senior Accountant on 11-10-1993. The claim of the husband of the respondent was that he ought to have been given appointment to the posts of Special Promotion Posts-I (SPP-I) and Special Promotion Posts-II (SPP-II) from the date of passing the Departmental Test. The Tribunal passed the order holding that the applicant (husband of the respondent) has to be given SPP-I and SPP-II from the date of passing the Departmental Test in the lower category, and his pay has to be fixed accordingly.

5. We are not inclined to go into the merits of the case for the simple reason that the husband of the respondent died quite some time back and the present writ petition also has been filed after a long lapse of four years.

6. In view of the above circumstances, without expressing any opinion on the merits of the case, we deem it appropriate to close the writ petition, confirming the order of the Tribunal passed in O.A.No.4372 of 1996, dated 09-04-2003.

7. In the result, the writ petition is closed, at the stage of admission. There shall be no order as to costs.

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JUSTICE D.S.R. VARMA

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JUSTICE K.C. BHANU

28-11-2007
Msr

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